



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

JUN 07 2006

VIA U.S. MAIL

Richard Barwacz
Treasurer
American Society of Anesthesiologists PAC
520 N. Northwest Highway
Park Ridge, IL 60068

RE: MUR 5729
American Society of Anesthesiologists PAC

Dear Mr. Barwacz:

On May 25, 2006, the Federal Election Commission accepted the signed conciliation agreement and \$31,000 that you submitted in settlement of violations of 2 U.S.C. § 434(g)(2)(A) and 11 C.F.R. § 104.4(b)(2), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Jin Lee
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Society of Anesthesiologists PAC
Richard Barwacz, in his official capacity
as Treasurer

MUR 5729

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe the American Society of Anesthesiologists Political Action Committee and Richard Barwacz, in his official capacity as Treasurer (collectively "Respondents"), violated 2 U.S.C. § 434(g)(2)(A), of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. § 104.4(b)(2).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II. Respondents enter voluntarily into this agreement with the Commission.
- III. The pertinent facts in this matter are as follows:
 1. The Act requires a person, including a political committee, "that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election [to] file a report describing the expenditures within 48 hours." 2 U.S.C. 434(g)(2)(A); *see also*, 11 C.F.R. §104.4(b)(2).

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2. Respondents are American Society of Anesthesiologists PAC, a separate segregated fund, and Richard Barwacz, in his official capacity as treasurer.
3. Respondents made three independent expenditures, totaling \$245,600, between January 1, 2004 and the 20th day prior to the 2004 Congressional Primary Elections held in Georgia, Nevada, and Washington.
4. Respondents disclosed the expenditures in the 2004 May, August and September Monthly Reports but did not file 48-Hour Notices.

IV. Respondents committed the following violations:

1. Respondents violated 2 U.S.C. § 434(g)(2)(A) and 11 C.F.R. § 104.4(b)(2) by failing to file three 48-Hour Notices relating to three independent expenditures which aggregated \$10,000 or more.

V. Respondents will take the following actions:

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of thirty one thousand dollars (\$31,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).
2. Respondents will cease and desist from violating 2 U.S.C. § 434(g)(2)(A), and 11 C.F.R. § 104.4(b)(2).

VI. The Commission, on request of anyone filing a complaint under 2 U.S.C § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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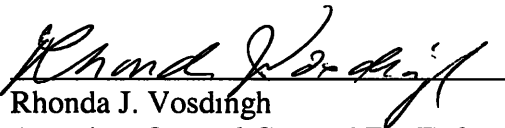
VIII. Except as otherwise provided, Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

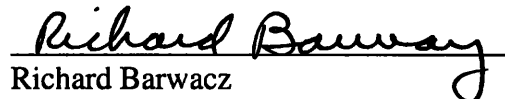
Lawrence H. Norton
General Counsel

BY:


Rhonda J. Vosdign
Associate General Counsel For Enforcement

6/2/06
Date

FOR THE RESPONDENTS:


Richard Barwacz
Treasurer, American Society of Anesthesiologists PAC

5/3/06
Date

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